

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

NATHANIEL JACKSON

Plaintiff,

-v.-

**Civil Action No.
9:96-cv-1864(GLS/GJD)**

K. PROVOST

Defendants.

APPEARANCES:

**NATHANIEL JACKSON
Plaintiff Pro Se
86-A-4227
Great Meadow Correctional Facility
P.O. Box 51
Comstock, New York 12821**

**ELIOT SPITZER, ESQ.
NEW YORK STATE ATTORNEY GENERAL
The Capitol
Albany, New York 12224**

**CHRISTOPHER W. HALL,
Esq.
Assistant Attorney General**

**GARY L. SHARPE,
U.S. DISTRICT JUDGE**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Gustave J. DiBianco duly filed October 24, 2005. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is hereby

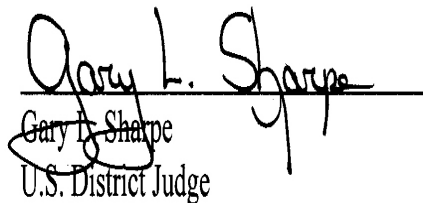
ORDERED, that the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed October 24, 2005 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the Defendant's motion for summary judgment (Dkt. No. 82) be DENIED WITHOUT PREJUDICE, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties and on the law firm of Mackenzie Hughes LLP, 101 South Salina Street, Syracuse, New York by regular mail.

IT IS SO ORDERED

Dated: November 18, 2005
Albany, New York


Gary L. Sharpe
U.S. District Judge